

City Council Introduction: **Monday**, May 16, 2005  
Public Hearing: **Monday**, May 23, 2005, at **5:30 p.m.**

Bill No. 05-58

## **FACTSHEET**

**TITLE: STREET & ALLEY VACATION NO. 05004**, requested by the Director of the Urban Development Department, to vacate the north/south alley extending south from Apple Street between 27<sup>th</sup> and 29<sup>th</sup> Streets.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**ASSOCIATED REQUESTS:** Amendment to the North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan (05R-101) and Change of Zone No. 05028 (05-57).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/27/05  
Administrative Action: 04/27/05

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest).

### **FINDINGS OF FACT:**

1. This alley vacation request was heard before the Planning Commission at the same time as the proposed amendment to the North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan and Change of Zone No. 05028.
2. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. The testimony by Ernie Castillo on behalf of the Urban Development Department is found on p.4.
4. There was no testimony in opposition.
5. On April 27, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan (Pearson declaring a conflict of interest).
6. Since the right-of-way will be assembled into a larger redevelopment parcel and sold together, this application may proceed to City Council prior to payment of the value as required by Chapter 14.20 of the Lincoln Municipal Code.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 9, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 9, 2005

**REFERENCE NUMBER:** FS\CC\2005\SAV.05004

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 12, 2004 PLANNING COMMISSION MEETING

**PROJECT #:** Street and Alley Vacation #05004

**PROPOSAL:** Vacate the north/south alley extending south from Apple Street, between 27<sup>th</sup> and 29<sup>th</sup> Streets.

**LOCATION:** 27<sup>th</sup> and Apple Streets

**LAND AREA:** 2,235.2 square feet, more or less.

**CONCLUSION:** The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** North/South alley between N. 27<sup>th</sup> Street and N. 29<sup>th</sup> Street on the south side of Apple Street, located in the NW 1/4 of Section 19-10-7, Lancaster County, Nebraska.

### **SURROUNDING LAND USE AND ZONING:**

North:	Restaurant	B-3 Commercial
South:	Vacant	I-1 Industrial
East:	Vacant	I-1 Industrial
West:	Vacant	I-1 Industrial

**ASSOCIATED APPLICATIONS:** Change of Zone #05028  
Comprehensive Plan Conformance #05002

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Industrial. (F 25)

**UTILITIES:** There are existing water, sanitary sewer, and storm sewer facilities located within this alley. An easement will need to be retained for these and future facilities.

**TRAFFIC ANALYSIS:** This alley is not improved, and dead-ends on the south at the railroad right-of-way. This portion of right-of-way is not necessary for traffic purposes.

**ANALYSIS:**

1. This is a request to vacate an alley in order to join property for development. Associated applications request a zoning change on this and the adjacent properties to B-3 Commercial, and to amend the North 27<sup>th</sup> Street Redevelopment Plan to include these properties.
2. The City of Lincoln is the Applicant, and the party who will redevelop this site intends to purchase part of this right-of-way along with several adjacent parcels from the City as part of a redevelopment agreement. The developer will purchase approximately the north half of the vacated right-of-way, the City will retain ownership of the remaining portion.
3. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

However, since this right-of-way will be assembled into a larger redevelopment parcel and sold together, this application may proceed to City Council prior to payment.

**PRIOR TO THE CONVEYANCE OF TITLE TO THE PUBLIC RIGHT-OF-WAY:**

- 1.1 The City will retain a permanent easement over the entire vacated area for existing and future public facilities.

Prepared by:

Greg Czaplewski  
441-7620, gczaplewski@lincoln.ne.gov

**Date:** April 11, 2005

**Applicant:** Marc Wullschleger, Director  
Urban Development Department  
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Lincoln, NE 68508  
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**Contact:** Ernie Castillo  
Urban Development Department  
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441.7855

**COMPREHENSIVE PLAN CONFORMANCE NO. 05002,  
CHANGE OF ZONE NO. 05028  
and  
STREET & ALLEY VACATION NO. 05004**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

April 27, 2005

Members present: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand; Pearson declared a conflict of interest.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the amendment to the Redevelopment Plan; approval of the change of zone; and a finding of conformance with the Comprehensive Plan on the street vacation.

Ex Parte Communications: None.

Proponents

**1. Ernie Castillo** of the **Urban Development Department** presented the proposal. The North 27<sup>th</sup> Street Corridor and Environs Redevelopment Plan amendment allows the addition of three city-owned lots along with the alley for redevelopment of the project. The City originally purchased the three lots along with the railroad corridor for the MoPac Trail and the trail corridor will stay as is. The change of zone to B-3 is more appropriate for this project and for the future of the North 27<sup>th</sup> Street Corridor. It also eliminates the I-1 zoning abutting the residential use to the east and across Apple St. to the north. The alley vacation is needed for redevelopment of the site. The developer will purchase part of the vacated alley for their project and the city will retain easement for the existing utilities located in the alley.

The specific project is Heartland Optical, which has been in business for 30 years on North 27<sup>th</sup> Street. It is a successful family-owned small business, expanding their services to include retail eyewear, etc. This is a great project for the neighborhood and for the North 27<sup>th</sup> Street Corridor, and complements the health center across the street.

Carlson stated that he likes the plan, the building and the use. He noted from page 3 of the staff report: "The Concept Plan...identifies a new neighborhood park on vacant property east of the Union Hall." Carlson wondered whether this "changes gears a little bit. Is that in the mix of the trail? Castillo advised that there is a neighborhood park plan for the east side of 27<sup>th</sup> Street, so that is still intact. These three lots are being added to give more flexibility to the project. The park land is still there.

Duncan Ross of Planning staff added that the language in the staff report attempts to reflect what is in the corridor plan (the actual subarea plan for N. 27<sup>th</sup> Street), which identifies a number of concepts for future redevelopment activities. The concepts are more part of an overall vision goal, and when it comes to redevelopment activities, those concepts are assessed at that time.

This project still provides for a small park amenity in conjunction with the future trail and overpass. A more elaborate park is not included with this project.

There was no testimony in opposition.

**COMPREHENSIVE PLAN CONFORMANCE NO. 05002**

**ACTION BY PLANNING COMMISSION:**

April 27, 2005

Carlson moved a finding of conformance with the Comprehensive Plan, seconded by Carroll.

Carlson was concerned about the trail but he is now satisfied.

Motion carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 05028**

**ACTION BY PLANNING COMMISSION:**

April 27, 2005

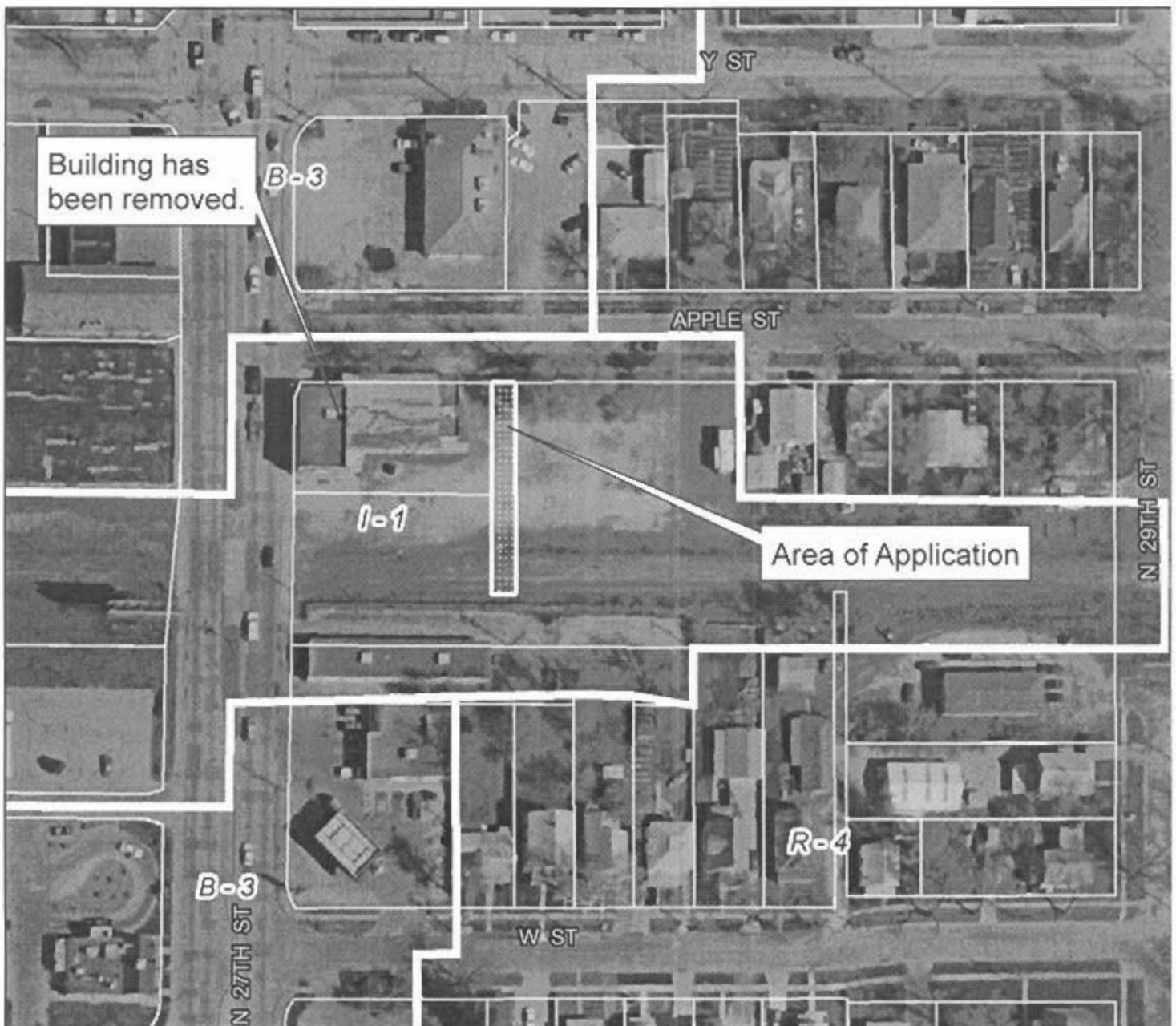
Marvin moved approval, seconded by Carroll and carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.

**STREET & ALLEY VACATION NO. 05004**

**ACTION BY PLANNING COMMISSION:**

April 27, 2005

Carroll made a motion for a finding of conformance with the Comprehensive Plan, seconded by Marvin and carried 8-0: Carroll, Marvin, Krieser, Sunderman, Carlson, Taylor, Larson and Bills-Strand voting 'yes'; Pearson declaring a conflict of interest. This is a recommendation to the City Council.



## Street & Alley Vacation #05004 N-S alley between N. 27th & N28th, on the south side of Apple St.

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### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-6	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 24 T10N R6E

